IN THE DRAWINGS

The attached sheets of drawings includes changes to Figs. 9A-11B and reprinted versions of Figs. 1-11B. These sheets, which includes Figs. 1-11B, replace the original sheets including Fig. 1-11B.

Attachment: Replacement Sheets

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21, 23, and 24 are currently pending. Claims 1-5, 9-11, 16-17, 21, and 23 are currently amended. Claim 22 is canceled. Claim 24 is newly added. The changes and additions to the claims do not add new matter and are supported by the originally filed specification at least on page 18, lines 4-21, page 8, lines 15-19, and Figure 1.

In the outstanding Office Action, the priority documents were objected to; the specification was objected to; the drawings were objected to; Claims 22 and 23 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter; Claims 3, 4, 13, and 19 were rejected under 35 U.S.C. §112, first paragraph; Claim was objected to for informalities; Claims 1-3, 6, 7, 13-15, and 20-23 were rejected under 35 U.S.C. §102(a) as anticipated by Saito (U.S. Pub. No. 2002/0052974); Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Yasunobu (U.S. Patent No. 7,046,394); Claim 5 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Hayashi et al. (U.S. Patent No. 6,426,809, hereafter "Hayashi"); Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Kawai et al. (U.S. Patent No. 6,449,060, hereafter "Kawai"); Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Kawai and Ikeda (U.S. Patent No. 6,788,339); Claims 10-11were rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Kouzaki (U.S. Patent No. 5,446,476); Claim 12 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Kita (U.S. Pub. No. 2003/0011815); Claim 16 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Yamada (U.S. Pub. No. 2004/0234148); Claim 17 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Horie et al. (U.S. Patent No. 6,480,624, hereafter "Horie"); Claim 18 was rejected under 35 U.S.C. §103(a) as

unpatentable over Saito in view of Ostromoukhov (U.S. Pub. No. 2002/0051210); Claim 19 was rejected under 35 U.S.C. §103(a) as unpatentable over Saito in view of Oka et al (U.S. Patent No. 5,444,544, hereafter "Oka").

With respect to the objection to Applicants' priority documents, Applicants respectfully submit that a proper notary seal was submitted with the certified copies of the priority documents delivered to the USPTO, and that the copies of the priority documents visible on the image file wrapper does not reflect what was contained in the hard copies of the priority documents delivered to the USPTO. **Therefore, it is respectfully requested that this objection be withdrawn and that the Examiner provide an acknowledgment that all of the certified copies of the priority documents have been received in the next Office Action.**

With respect to the objection to the specification, the specification has been amended as suggested by the Office Action, where necessary. No new matter has been added. Therefore, it is respectfully requested that this objection be withdrawn.

With respect to the objection to the drawings, the drawings have been amended as suggested by the Office Action. Furthermore, the specification has also been amended to coincide with the reference numbers in the drawings, where necessary. No new matter has been added. Therefore, it is respectfully requested that this objection be withdrawn.

With respect to the rejection of Claims 22-23 under 35 U.S.C. §101, Claim 22 is canceled and Claim 23 has been amended to recite language for a computer-readable medium as suggested by the Office Action. No new matter has been added. Therefore, it is respectfully requested that this rejection be withdrawn.

With respect to the rejection of Claims 3, 4, 13, and 19 under 35 U.S.C. §112, first paragraph, Applicants respectfully traverse this rejection. The Office Action indicates that the Claims 3, 4, 13, and 19 include subject matter that was not described in the specification

in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The reason given for this rejection was that the specification does not disclose certain features recited in Claims 3, 4, 13, and 19. However, M.P.E.P. §2181 states:

> In considering whether there is 35 U.S.C. §112, first paragraph support for the claim limitation, the examiner must consider not only the original disclosure contained in the summary and detailed description of the invention portions of the specification, **but also the original claims**, abstract, and drawings.[1] (Emphasis added).

Therefore, given this consideration, it is respectfully requested that this rejection be withdrawn.

With respect to the objection to Claim 10, Claim 10 has been amended as suggested by the Office Action. No new matter is added. Therefore, it is respectfully requested that this objection be withdrawn.

With respect to the rejection of Claim 1 under 35 U.S.C. §102(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Claim 1 recites, *inter alia*,

> a color determination unit that performs color determination processing to determine whether the image data is color image data or monochrome image data.

Figure 1 shows a non-limiting embodiment of the invention defined by Claim 1. Figure 1 shows a color determination unit 41 that performs color determination processing to determine whether the image data from read unit 31 is color image data or monochrome image data.[2]

Saito describes a copying machine for reading original documents and transmitting them to various devices.[3] Saito describes that at the time of reading an image and storing it onto a hard disk drive, ***a user of the copying machine provides an indication of whether the***

[1] See M.P.E.P. §2181, Section IV.
[2] See specification, at p. 8, lines 15-19.
[3] See Saito, at p. 1, para. 22.

image is a monochrome or color image through an operation unit. Therefore, Saito does not disclose a color determination unit that performs color determination processing to determine whether the image data is color image data or monochrome image data, as required by amended Claim 1. In other words, Saito does not disclose a device that automatically determines whether image data is color or monochrome but instead requires a user to make that determination through an operation unit.

Therefore, Saito fails to disclose or suggest ***a color determination unit that performs color determination processing to determine whether the image data is color image data or monochrome image data***, as defined by Claim 1.

Yasunobu, Hayashi, Kawai, Ikeda, Kouzaki, Kita, Yamada, Horie, Ostromoukhov, and Okabeen have been considered but fail to remedy the deficiencies of Saito as discussed above with regards to Claim 1.

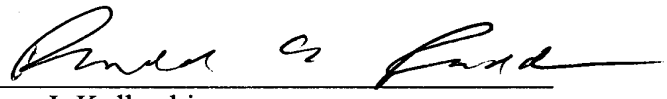
Independent Claims 21 and 23 recite features analogous to those of amended Claim 1. New independent Claim 24 recites a system with features analogous to those of amended Claim 1. No new matter has been added.

Thus, it is respectfully submitted that amended Claims 1, 21, 23, and 24 (and all associated dependent claims) patentably distinguish over Saito, Yasunobu, Hayashi, Kawai, Ikeda, Kouzaki, Kita, Yamada, Horie, Ostromoukhov, and Okabeen, taken either alone or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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